THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22425 OF 2005

Dt.26.10.2005

Between:

Kalluri Yadagiri and 2 others … Petitioners

And

The Commissioner of Endowments,

Boggulakunta, Hyderabad and 3 others … Respondents

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Endowments and the learned Standing Counsel for the 4th respondent.

The petitioners submit that pursuant to the notice published in Rc.No.M4/56217/2002-01 dated 19.2.2003 in the Gazettee Part-II, extraordinary No.97.1 dated 7.5.2003 to auction and dispose of the lands belonging to Sri Parvathi Jedala Ramalingeswara Swamy Temple, Cheruvugattu Village, Narketpally Mandal, Nalgonda District, by tender-cum-open auction, which was also published in Eenadu daily newspaper of Nalgonda District edition on 17.4.2004, the petitioners participated in the said auction held on 30.4.2004 and the first petitioner has been declared as highest bidder for the lands

situated in Survey No.282 at Rs.40,000/- per acre to an extent of Ac.1.05 guntas and also to the extent of land admeasuring Ac.1.36 guntas situated in Survey No.283 at Rs.27,100/- per acre at Sl.No.4 of the Gazette notification. Similarly, the 2nd petitioner was declared as the highest bidder in respect of Survey No.490 at Rs.37,500/- per acre for Ac.3.17 guntas at Sl.No.6 of Gazette notification. Likewise, the 3rd petitioner was also declared as highest bidder with regard to the land situated in Survey No.491 at Rs.37,500/- per acre to an extent of Ac.4.21 guntas at Sl.No.7 of Gazette notification. The petitioners have paid 1/3rd of the amount out of the total bid amount on the same date of auction. But the same was not accepted and it was vetoed by the Commissioner of Endowments in his proceedings Dis.No.L4/1725/2004 dated .7.2005 in view of the judgment of this Court in W.P.No.11812 of 2005 dated 7.6.2005.

Admittedly, the lands, in question, are sold by tender-cum-open auction on 30.4.2004. The Commissioner did not mention any reasons for vetoing the same and directed to refund the amounts to the petitioners. On similar set of facts and circumstances the Division Bench of this Court in W.P.No.15795 of 2005 dated 8.8.2005 clarified that as per the order in W.P.No.11812 of 2005 the sale arising out of compromise or negotiations are only stayed by the Court and the said stay order has no application in respect of purchases made by the petitioners in the public auction and therefore the order in W.P. No.11812 of 2005 would not apply to the case of the petitioners. Accordingly, the impugned order of the first respondent is set aside and the Commissioner, Endowments Department, Hyderabad, is directed to pass fresh orders as the petitioners have become highest bidders for purchase of the said lands in tender-cum-open auction held on 30.4.2004.

The writ petition is accordingly allowed. No costs.

(V.ESWARAIAH, J.)

26.10.2005

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